

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01841-ABJ**

BRENNAN CENTER FOR JUSTICE AT NEW YORK
UNIVERSITY SCHOOL OF LAW v. U.S. DEPARTMENT OF
JUSTICE

Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 08/07/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**BRENNAN CENTER FOR JUSTICE
AT NEW YORK UNIVERSITY
SCHOOL OF LAW**

represented by **Austin Ridgely Evers**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5245
Fax: (202) 871-6523
Email: austin.evers@americanoversight.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Hagerty
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW
Washington, DC 20004
(202) 637-3231
Fax: (202) 637-5910
Email: elizabeth.hagerty@hoganlovells.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ellen S. Kennedy
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW
Washington, DC 20004
(202) 637-6591
Fax: (202) 637-5910
Email: ellen.kennedy@hoganlovells.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kirti Datla
HOGAN LOVELLS US LLP
555 Thirteenth St. N.W.
Washington, DC 20004
(202) 637-6583
Fax: (202) 637-5910
Email: kirti.datla@hoganlovells.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan J. Stephenson
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW
Washington, DC 20004
(202) 637-6453
Fax: (202) 637-5910
Email: ryan.stephenson@hoganlovells.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan Brater

BRENNAN CENTER FOR JUSTICE AT
 NYU SCHOOL OF LAW
 120 Broadway
 Suite 1750
 New York, NY 10271
 (646) 292-8373
 Fax: (212) 463-7308
 Email: jonathan.brater@nyu.edu
 TERMINATED: 01/25/2019
 PRO HAC VICE

Katherine Marie Anthony

AMERICAN OVERSIGHT
 1030 15th Street, NW
 Suite B255
 Washington, DC 20005
 (202) 897-3918
 Fax: (202) 871-6523
 Email: katherine.anthony@americanoversight.org
 PRO HAC VICE
 ATTORNEY TO BE NOTICED

Maximillian Louis Feldman

BRENNAN CENTER FOR JUSTICE AT
 NYU SCHOOL OF LAW
 120 Broadway
 Suite 1750
 New York, NY 10271
 (646) 925-8734
 Fax: (212) 463-7308
 Email: feldmanm@brennan.law.nyu.edu
 PRO HAC VICE
 ATTORNEY TO BE NOTICED

V.

Defendant**U.S. DEPARTMENT OF JUSTICE**

represented by **Marina Utgoff Braswell**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2561
 Fax: (202) 252-2599
 Email: Marina.Braswell@usdoj.gov
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/07/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5625522) filed by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Exhibit A, # <u>6</u> Exhibit B, # <u>7</u> Exhibit C)(Evers, Austin) (Entered: 08/07/2018)
08/07/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Evers, Austin) (Entered: 08/07/2018)
08/07/2018	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Katherine M. Anthony, :Firm- American Oversight, :Address- 1030 15th St. NW, B255, Washington, DC

		20005. Phone No. – (202) 897–3918. Fax No. – (202) 871–6523 Filing fee \$ 100, receipt number 0090–5626041. Fee Status: Fee Paid. by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Evers, Austin) (Entered: 08/07/2018)
08/07/2018		Case Assigned to Judge Amy Berman Jackson. (zmd) (Entered: 08/08/2018)
08/08/2018	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Jonathan Brater, :Firm– Brennan Center for Justice at New York University School of Law, :Address– 120 Broadway, Suite 1750, New York, NY 10271. Phone No. – (646) 292–8373. Filing fee \$ 100, receipt number 0090–5628574. Fee Status: Fee Paid. by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Evers, Austin) (Entered: 08/08/2018)
08/09/2018	<u>5</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 08/09/2018)
08/20/2018		MINUTE ORDER granting <u>3</u> <u>4</u> Motions for Leave of Katherine M. Anthony and Jonathan Brater to Appear Pro Hac Vice only upon condition that the lawyers admitted, or at least one member of the lawyers' firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Signed by Judge Amy Berman Jackson on 8/20/18. (DMK) (Entered: 08/20/2018)
08/22/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/9/2018. (Answer due for ALL FEDERAL DEFENDANTS by 9/8/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/14/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 8/14/2018 (Attachments: # <u>1</u> Exhibit A)(Anthony, Katherine) (Entered: 08/22/2018)
09/06/2018	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Maximillian Feldman, :Firm– Brennan Center for Justice at New York University School of Law, :Address– 120 Broadway, Suite 1750, New York, NY 10271. Phone No. – 646–925–8734. Filing fee \$ 100, receipt number 0090–5675831. Fee Status: Fee Paid. by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Anthony, Katherine) (Entered: 09/06/2018)
09/07/2018		MINUTE ORDER granting <u>7</u> Motion for Leave of Maxillian Feldman to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Signed by Judge Amy Berman Jackson on 9/7/18. (DMK) (Entered: 09/07/2018)
09/10/2018	<u>8</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of U.S. DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 09/10/2018)
09/10/2018	<u>9</u>	Unopposed MOTION for Extension of Time to <i>answer or otherwise respond to the Complaint</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Braswell, Marina) (Entered: 09/10/2018)
09/11/2018		MINUTE ORDER granting <u>9</u> Motion for Extension of Time. Defendant must file a responsive pleading by September 18, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/11/2018. (lcabj2) (Entered: 09/11/2018)
09/18/2018	<u>10</u>	ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Braswell, Marina) (Entered: 09/18/2018)
09/20/2018	<u>11</u>	ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before October 22, 2018. See Order for details. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/20/2018. (lcabj2) (Entered: 09/20/2018)

		09/20/2018)
10/16/2018	<u>12</u>	NOTICE of Appearance by Elizabeth Hagerty on behalf of BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Hagerty, Elizabeth) (Entered: 10/16/2018)
10/17/2018	<u>13</u>	NOTICE of Appearance by Ellen S. Kennedy on behalf of BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Kennedy, Ellen) (Entered: 10/17/2018)
10/17/2018	<u>14</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Ryan J. Stephenson, :Firm– Hogan Lovells US LLP, :Address– 555 Thirteenth Street NW. Phone No. – (202) 637–6453. Fax No. – (202) 637–5910 Filing fee \$ 100, receipt number 0090–5743549. Fee Status: Fee Paid. by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Attachments: # <u>1</u> Declaration Decl. of Ryan Stephenson, # <u>2</u> Text of Proposed Order)(Hagerty, Elizabeth) (Entered: 10/17/2018)
10/18/2018		MINUTE ORDER granting <u>14</u> Motion for Leave of Ryan J. Stephenson to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Because applicant is a member of the bar of the District of Columbia and practices here, he is encouraged to submit an application to become a member of the bar of this Court in the near future. Signed by Judge Amy Berman Jackson on 10/18/18. (DMK) (Entered: 10/18/2018)
10/22/2018	<u>15</u>	Unopposed MOTION for Extension of Time to File <i>Proposed Schedule</i> by U.S. DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 10/22/2018)
10/23/2018		MINUTE ORDER granting <u>15</u> Motion for Extension. Defendant must file a proposed schedule for the production of documents by November 5, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/23/2018. (lcabj2) (Entered: 10/23/2018)
10/23/2018		Set/Reset Deadlines: Defendant must file a proposed schedule for the production of documents by 11/5/2018. (jth) (Entered: 10/23/2018)
11/05/2018	<u>16</u>	STATUS REPORT <i>with Proposed Schedule for the Production of Documents</i> by U.S. DEPARTMENT OF JUSTICE. (Braswell, Marina) (Entered: 11/05/2018)
11/06/2018		MINUTE ORDER. In light of the defendant's status report <u>16</u> , it is ORDERED that: (1) Defendant must make a supplemental release of information by November 14, 2018; (2) Defendant must prepare a Vaughn Index by November 30, 2018; and (3) both parties must file a joint proposed schedule for further proceedings by December 10, 2018. Signed by Judge Amy Berman Jackson on 11/6/2018. (lcabj2) (Entered: 11/06/2018)
12/10/2018	<u>17</u>	PROPOSED BRIEFING SCHEDULE <i>Jointly Filed with Defendant</i> by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW. (Anthony, Katherine) (Entered: 12/10/2018)
12/12/2018		MINUTE ORDER. In light of the the parties' proposed briefing schedule <u>17</u> , it is ORDERED that Defendant's motion for summary judgment is due on January 30, 2019; plaintiff's opposition and any cross–motion for summary judgment is due on February 27, 2019; defendant's reply and cross–opposition is due on March 27, 2019; and plaintiff's reply is due on April 17, 2019. Signed by Judge Amy Berman Jackson on 12/12/2018. (lcabj2) (Entered: 12/12/2018)
01/24/2019	<u>18</u>	MOTION to Withdraw as Attorney <i>by Jonathan Brater</i> by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Attachments: # <u>1</u> Text of Proposed Order)(Brater, Jonathan) (Entered: 01/24/2019)
01/25/2019		MINUTE ORDER granting <u>18</u> Motion to Withdraw as Attorney. SO ORDERED. Signed by Judge Amy Berman Jackson on 1/25/2019. (lcabj2) (Entered: 01/25/2019)
01/29/2019	<u>19</u>	Unopposed MOTION to Amend/Correct Order., Set Deadlines, , Unopposed MOTION for Extension of Time to File <i>Dispositive Motion</i> by U.S. DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 01/29/2019)

01/30/2019		MINUTE ORDER granting <u>19</u> Motion for Extension of Time. Defendant must file its motion for summary judgment by February 28, 2019; plaintiff must file its opposition and any cross-motion for summary judgment by March 28, 2019; defendant must file its reply and any cross-opposition by April 25, 2019; and plaintiff must file its cross-reply by May 16, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 1/30/2019. (lcabj2) (Entered: 01/30/2019)
02/27/2019	<u>20</u>	Unopposed MOTION for Extension of Time to File <i>Dispositive motion</i> , Unopposed MOTION to Amend/Correct Order on Motion to Amend/Correct,, Order on Motion for Extension of Time to File,, Set/Reset Deadlines, by U.S. DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 02/27/2019)
02/28/2019		MINUTE ORDER granting <u>20</u> Motion for Extension of Time. Defendant must file its motion for summary judgment by March 7, 2019; plaintiff must file its opposition and any cross-motion for summary judgment by April 4, 2019; defendant must file its reply and any cross-opposition by May 2, 2019; and plaintiff must file its cross-reply by May 23, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 2/28/2019. (lcabj2) (Entered: 02/28/2019)
03/07/2019	<u>21</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Cooper Declaration, # <u>2</u> Exhibits to Cooper Declaration, # <u>3</u> Vaughn Index)(Braswell, Marina) (Entered: 03/07/2019)
03/14/2019	<u>22</u>	NOTICE of Appearance by Kirti Datla on behalf of BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Datla, Kirti) (Entered: 03/14/2019)
04/03/2019	<u>23</u>	Unopposed MOTION for Extension of Time to File Response/Reply by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Datla, Kirti) (Entered: 04/03/2019)
04/04/2019		MINUTE ORDER granting <u>23</u> Motion for Extension of Time. Plaintiff's cross-motion for summary judgment and opposition to defendant's motion for summary judgment is due on April 11, 2019. Defendant's opposition and reply is due on May 16, 2019. Plaintiff's reply is due on June 6, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 4/4/2019. (lcabj2) (Entered: 04/04/2019)
04/11/2019	<u>24</u>	Cross MOTION for Summary Judgment by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Text of Proposed Order, # <u>5</u> Certificate of Service)(Kennedy, Ellen) (Entered: 04/11/2019)
04/11/2019	25	Memorandum in opposition to re <u>21</u> MOTION for Summary Judgment filed by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW. (See Docket Entry <u>24</u> to view document) (jf) (Entered: 04/16/2019)
04/16/2019		NOTICE OF ERROR re <u>24</u> Motion for Summary Judgment; emailed to ellen.kennedy@hoganlovells.com, cc'd 13 associated attorneys -- The PDF file you docketed contained errors: 1. Two-part docket entry, 2. DO NOT REFILE - Counsel is reminded to docket all parts of their filing (zjf,) (Entered: 04/16/2019)
05/15/2019	<u>26</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION for Summary Judgment , <u>24</u> Cross MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 05/15/2019)
05/16/2019		MINUTE ORDER granting <u>26</u> Motion for Extension of Time. Defendant must file its reply and opposition to plaintiff's cross-motion for summary judgment by May 24, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/16/2019. (lcabj2) (Entered: 05/16/2019)
05/23/2019	<u>27</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION for Summary Judgment , <u>24</u> Cross MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 05/23/2019)
05/28/2019		MINUTE ORDER granting <u>27</u> Motion for Extension of Time. Defendant must file its reply and opposition to plaintiff's cross-motion for summary judgment by May 29, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/28/2019. (lcabj2) (Entered: 05/28/2019)

05/28/2019		MINUTE ORDER. In light of defendant's motion for extension of time <u>27</u> , it is ORDERED that plaintiff's reply in support of its cross-motion for summary judgment must be filed by July 1, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/28/2019. (lcabj2) (Entered: 05/28/2019)
05/29/2019	<u>28</u>	Memorandum in opposition to re <u>24</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Supplemental Cooper Declaration)(Braswell, Marina) (Entered: 05/29/2019)
05/29/2019	<u>29</u>	REPLY to opposition to motion re <u>21</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Supplemental Cooper Declaration)(Braswell, Marina) (Entered: 05/29/2019)
07/01/2019	<u>30</u>	REPLY to opposition to motion re <u>24</u> Cross MOTION for Summary Judgment filed by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW. (Kennedy, Ellen) (Entered: 07/01/2019)